

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN A. BARNES,

Defendant.

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10-CR-30004-WDS

ORDER

STIEHL, District Judge:

Defendant, John A. Barnes, has filed a pro se motion for leave to file late notice of appeal (Doc. 53) to which the government has filed a response (Doc. 54). The defendant's motion, although it claims not to be a petition for habeas review, is in effect one which seeks habeas relief. The Court notes that the defendant has sought, in a separate civil action, habeas review (*See, Barnes v. United States*, 11-CV-1082). Accordingly, the Court **DENIES** the motion for leave to file late notice of appeal.¹

IT IS SO ORDERED.

DATE: 10 September, 2012

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE

¹The Court also notes that the defendant, at the time of his plea, waived his right to file an appeal.